



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

• Inventors: S. M. Garland et al.
Case: 42-49-3-13
Serial No.: 09/520,861
Filing Date: March 7, 2000
Group Art Unit: 2684
Examiner: A. T. Gantt
• Title: Wireless Telemetry Access

COMMISSIONER FOR PATENTS
P.O. BOX 1450
WASHINGTON, D.C. 22313-1450

Sir:

COVER LETTER FOR BRIEF

Enclosed please find in triplicate, an Appeal Brief for the above-identified Application. Also enclosed is a check for \$320.00 to cover the cost of filing the Appeal as set forth in 37 C.F.R. 1.17(f).

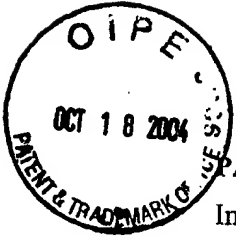
Respectfully submitted,
S. M. Garland et al.

By: Werner Ulrich
Werner Ulrich
Attorney for Applicants
Reg. No. 30810
(630) 469-3575

Date: Oct. 11, 2004

Werner Ulrich
434 Maple Street
Glen Ellyn, Illinois 60137

Ser. No. 09/520,861



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APPELLANTS BRIEF UNDER 37 C.F.R. 1.192

This is an Appeal to the Board of Patent Appeals And Interferences from the Final Rejection dated May 7, 2004.

1. Was Notice of Appeal timely filed?

 x A Notice of Appeal was timely filed.

2. Real Party in interest?

 x The real party in interest is Lucent Technologies Inc.

3. Related Appeals or Interferences?

 x There are no related Appeals or Interferences.

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Status of Claims:

Claims 1, 3-5, 9-12, 14-16 and 20-22 stand finally rejected.

A copy of the Claims under Appeal, as well as objected to claims 6-8 and 17-19, as now presented is appended to this Brief in Appendix "A"

Claims 6-8 and 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. A copy of these claims, so rewritten is appended to the Brief in Appendix "B".

Status of Amendments:

All amendments to the claims have been entered.

Summary of the Invention:

The invention as presently claimed teaches arrangements wherein a plurality of wireless devices, such as telemetering devices, communicate with a server, such as a server for a public utility, using only a single telephone number. The devices, while having a common telephone number, have different mobile identification numbers. The server directs the mobile telecommunication system, to establish a connection to a single wireless device identified by the assigned mobile identification number. The server provides information to permit the mobile telecommunication system to identify the mobile identification number of the selected wireless device.

Grouping of Claims:

Claim 1 is an independent apparatus claim. Claims 3-5 and 9-11 are dependent apparatus claims dependent from claim 1. Objected to claims 6-8 are dependent from claim 1.

Claim 12 is an independent method claim. Claims 14-16 and 20-22 are method claims dependent from claim 12. Objected to claim 17-19 are dependent from claim 12.

Issues:

Are claims 1, 3-5, 9-12, 14-16 and 20-22 unpatentable over the teachings of U. S. Patent 6,684,245 in view of U.S. Patent 6,501,946?

In an Office Action dated May 7, 2004 the Examiner provided new arguments for rejecting claims 1, 3-5, 9-12, 14-16, and 20-22. The Examiner allowed claims 6-8 and 17-19 if these claims were rewritten in independent form including all of the limitations of the base claim and intervening claims. In this Appeal, Applicants are also submitting a reworded version of these claims so that if other claims are rejected, these claims can be held allowable; the reworded version is in Appendix B.

A key aspect of Applicants' invention as claimed herein is that a single directory number (telephone number) can be used for accessing a number of, in fact, (as Applicants have recited in claim 4, for example) a very large number of different cellular devices. The quoted passage used by the Examiner to support the statement that Shuey discloses an automatic meter reading system, implies a common broadcast command channel and, thus, an apparatus for establishing a connection between a server system and a selected wireless device. The Examiner cites column 6, line 63 - column 7, line 7 of Shuey. For the Examiner's convenience Applicants will quote this paragraph in its entirety.

In a preferred embodiment, OGI node 108 includes a direct sequence spread spectrum (DSSS) transceiver at about 900 megahertz for the meter/node link; an RF transceiver for the node/WAN link (preferably a second 900 MHz DSSS transceiver with a data rate of about 9.6 kbps, although it should be understood that the RF transceiver may be any other 900 MHz unlicensed radio or licensed 800 mhz utility multiple access system radio, or a personal communication system (PCS), or cellular digital packet data (CDPD), etc.

This is an arrangement for accessing a number of terminals having the same mobile identification number via the control channel and by implication having a control channel message that is sufficiently distinct for each of the terminals. However, it is obvious that in contrast with Applicants' invention, the conventional cellular infrastructure cannot be used because the effective mobile identification numbers of the terminals are not standard, and are not different.

The Examiner goes on to say that Shuey does not provide aspects of Applicants' invention that require multiple phones to use the same mobile identification number. The

Examiner has misunderstood Applicants' invention. According to Applicants' invention, multiple phones use the same directory number, i.e., telephone number. According to Applicants' claimed teachings, a single directory number can be used for a large number of mobile terminals each of which has its own mobile identification number. For example, claim 1 recites "a mobile identification number for said selected wireless cellular device".

To fill in the gap, the Examiner cites Farah and specifically cites column 1, lines 41-52, to meet the requirement "wherein a plurality of wireless cellular devices are associated with a single directory number" (column 1, lines 41-52). For the convenience of the Examiner, Applicants will quote this passage in its entirety:

The apparatus includes a wireless phone including an electronic serial number (ESN) and an extended mobile identification number (EMIN), the EMIN including a mobile identification (MIN) identifying a plurality of wireless phones and an extension code identifying the specific wireless phone within the plurality of wireless phone that includes it; an adjunct processor generates control codes according to a network-based profile identified by the EMIN and a mobile switching center that activates a services plan according to the control codes, thereby providing telecommunication service access to the wireless phone.
[Emphasis added]

In other words, Farah teaches an arrangement wherein a single mobile identification number (MIN) can identify a plurality of wireless phones. This is done through an extension code. This is in contrast to Applicants' teachings wherein a single telephone number (directory number) can be used to access a plurality of cellular devices each of which has its own mobile identification number. Notice that not only does Farah teach a plurality of cellular devices associated with a single mobile identification number (in contrast to Applicants' invention wherein a plurality of wireless cellular devices are associated with a single directory number) but, Farah clearly indicates that the arrangement which he uses requires an extended mobile identification number, the extended mobile identification number including a single mobile identification number for a plurality of cellular devices.

The same arguments applied to claim 12 an independent apparatus claim. Regarding the rejection of claim 12 the same argument applies, and in the case of Farah

only the selected wireless cellular device having the same extended mobile identification number is alerted.

It is important to note that Applicants' arrangement allows the use of the standard infrastructure and very specifically requires that a unique mobile identification number (by implication of the same type used for alerting other devices) is used for alerting the selected wireless device. Thus, the paging messages, for example, sent out by a base station would be the same as the paging messages used for paging an ordinary wireless telephone. Regarding the Examiner's rejections of claims 5, 9, 16 and 20, while it is true that it is well known to utilize an international mobile switching identifier (IMSI) as a mobile identification number, the implication of these claims is that this is a standard number and not a non-standard mobile identification number such as an extended mobile identification number.

Applicants submit that in view of the argued allowability of independent claims 1 and 12, claims 3-5 and 9-11, dependent from claim 1, and claims 14-16 and 20-22, dependent from claim 12, should also be held allowable.

The Examiner has indicated that claims 6-8 and 17-19 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have submitted amended versions of claims 6-8 and 17-19 to meet these restrictions in Appendix B. Applicants ask that in case the other claims continue to be rejected that these claims be held allowable.

Summary:

The above arguments relate to a basic structural difference between the prior art and Applicants' claimed invention. As a result of this difference, Applicants can use the present cellular infrastructure with minimum change to accomplish the goal of accessing individual numbers (directory numbers) that must be set aside for this function.

Conclusion:

In view of the foregoing, it is submitted that the Examiner is in error. It is accordingly respectfully requested that the rejection of claims 1, 3-5, 9-12, 14-16 and 20-22 be reversed and that the application including all of these claims be allowed and passed to issue.

The Examiner has indicated that claims 6-8 and 17-19 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have submitted amended versions of claims 6-8 and 17-19 to meet these restrictions in Appendix B. Applicants ask that in case the other claims continue to be rejected that these claims be held allowable.

Respectfully submitted

S. M. Garland et al.



by Werner Ulrich
Attorney for Applicants
Reg. No. 30810

Date: Oct. 11, 2004

Werner Ulrich
434 Maple Street
Glen Ellyn, IL 60137
630 469-3575 (voice & fax)

Attached:

Appendix A - Claims 1, 3-12, 14-22

Appendix B - Claims 6-8 and 17-19, rewritten to be in independent form
including all restrictions of the parent and intervening claims

**APPENDIX A TO
Appellants Brief Under 37 C.F.R. 1.192
Claims for S. M. Garland 42-49-3-13**

1. Apparatus for establishing a connection between a server system and a selected wireless device, comprising:
 - infrastructure of a Public Switched Telephone Network (PSTN), and a cellular wireless communication network;
 - means for connecting a server system to said infrastructure;
 - wherein a plurality of wireless cellular devices are associated with a single directory number;
 - wherein, on a call originated by said server system, said server system provides information for identifying a mobile identification number of said selected cellular device;
 - said infrastructure comprising Home Location Register means for storing tabular data for deriving a mobile identification number from said information received from said server system;
 - wherein on a call originated by said server system, only the selected wireless cellular device having said mobile identification number is alerted and connected to said server system.
3. The apparatus of Claim 1, wherein said single directory number is a directory number of said server system.
4. The apparatus of Claim 1, wherein all wireless cellular devices served by a server system are associated with a common directory number.
5. The apparatus of Claim 1, wherein said mobile identification number is an international mobile switching identifier (IMSI).
6. The apparatus of Claim 1, wherein the information provided by said server system comprises a terminating directory number plus an originating directory number.
7. The apparatus of Claim 6, wherein said terminating directory number is a directory number for a plurality of wireless devices in a single household.
8. The apparatus of Claim 1, wherein the information provided by said server system comprises a terminating directory number and a call type.

9. The apparatus of Claim 1, wherein the information provided by said server system comprises an international mobile switching identifier (IMSI).

10. The apparatus of Claim 1, wherein said home location register (HLR) means is adapted to be responsive to a location request message comprising a mobile identification number as a search parameter.

11. The apparatus of Claim 1, wherein an integrated services digital network (ISDN) facility connects said server system to said infrastructure in order to facilitate transmission of said information for identifying said mobile identification number.

12. A method of establishing a connection between a server system and a selected wireless device comprising the steps of:

connecting said server system to a Public Switched Telephone Network (PSTN) and a cellular wireless communication network;

associating a plurality of wireless cellular devices with a single directory number; said server system providing information for deriving a mobile identification number;

storing tabular data describing characteristics of said wireless cellular device in home location register means of said cellular wireless communication network;

accessing said tabular data via a mobile identification number, derived from said information of said selected wireless device;

wherein on a call originated by said server system, only the selected wireless cellular device having said mobile identification number is alerted and connected to said server system.

14. The method of Claim 12 wherein said single directory number is a directory number of said server system.

15. The method of Claim 12 wherein all wireless cellular devices served by said server system are associated with a common directory number.

16. The method of Claim 12, wherein said mobile identification number is an international mobile switching identifier (IMSI).

17. The method of Claim 12, wherein the information provided by said server system comprises a terminating directory number plus an originating directory number.



APPENDIX B TO
Appellants Brief Under 37 C.F.R. 1.192
Claims for S. M. Garland 42-49-3-13

CLAIM 6 (currently amended):

6. Apparatus for establishing a connection between a server system and a selected wireless device, comprising:

infrastructure of a Public Switched Telephone Network (PSTN), and a cellular wireless communication network;

means for connecting a server system to said infrastructure;

wherein a plurality of wireless cellular devices are associated with a single directory number;

wherein, on a call originated by said server system, said server system provides information for identifying a mobile identification number of said selected cellular device;

said infrastructure comprising Home Location Register means for storing tabular data for deriving a mobile identification number from said information received from said server system;

wherein on a call originated by said server system, only the selected wireless cellular device having said mobile identification number is alerted and connected to said server system;

The apparatus of Claim 1, wherein the information provided by said server system comprises a terminating directory number plus an originating directory number.

CLAIM 7 (original):

7. The apparatus of Claim 6, wherein said terminating directory number is a directory number for a plurality of wireless devices in a single household.

CLAIM 8 (currently amended):

8. Apparatus for establishing a connection between a server system and a selected wireless device, comprising:

infrastructure of a Public Switched Telephone Network (PSTN), and a cellular wireless communication network;

means for connecting a server system to said infrastructure;

wherein a plurality of wireless cellular devices are associated with a single directory number;

wherein, on a call originated by said server system, said server system provides information for identifying a mobile identification number of said selected cellular device;

said infrastructure comprising Home Location Register means for storing tabular data for deriving a mobile identification number from said information received from said server system;

wherein on a call originated by said server system, only the selected wireless cellular device having said mobile identification number is alerted and connected to said server system;

~~The apparatus of Claim 1,~~ wherein the information provided by said server system comprises a terminating directory number and a call type.

CLAIM 17 (currently amended):

17. A method of establishing a connection between a server system and a selected wireless device comprising the steps of:

connecting said server system to a Public Switched Telephone Network (PSTN) and a cellular wireless communication network;

associating a plurality of wireless cellular devices with a single directory number;
said server system providing information for deriving a mobile identification number;

storing tabular data describing characteristics of said wireless cellular device in home location register means of said cellular wireless communication network;

accessing said tabular data via a mobile identification number, derived from said information of said selected wireless device;

wherein on a call originated by said server system, only the selected wireless cellular device having said mobile identification number is alerted and connected to said server system;

~~The method of Claim 12,~~ wherein the information provided by said server system comprises a terminating directory number plus an originating directory number.

CLAIM 18 (original):

18. The method of Claim 17, wherein said terminating directory number is a directory number for a plurality of wireless devices in a single household.

CLAIM 19 (currently amended):

19. A method of establishing a connection between a server system and a selected wireless device comprising the steps of:
connecting said server system to a Public Switched Telephone Network (PSTN) and a cellular wireless communication network;
associating a plurality of wireless cellular devices with a single directory number;
said server system providing information for deriving a mobile identification number;
storing tabular data describing characteristics of said wireless cellular device in home location register means of said cellular wireless communication network;
accessing said tabular data via a mobile identification number, derived from said information of said selected wireless device;
wherein on a call originated by said server system, only the selected wireless cellular device having said mobile identification number is alerted and connected to said server system;

~~The method of Claim 12~~, wherein the information provided by said server system comprises a terminating directory number and a call type.

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